

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

**CHAPTER 13 PLAN COVER SHEET**

Filing Date: 9/16/2008 Docket #: 08-42965-jbr  
Debtor: Lizzette Rodriguez Co-Debtor: N/A  
SS#: XXX-XX-4473 SS#: \_\_\_\_\_  
Address: 14 Pilgrim Rd. Address: \_\_\_\_\_  
Lawrence, MA 01843 \_\_\_\_\_

Debtor's Counsel: Paul A. Petrillo, Esq.  
Address: 202 Main St., Suite 102, Salem, NH 03079

Telephone #: 603-894-4120  
Facsimile #: 603-870-9330

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR(S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR(S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS' MEETING PURSUANT TO 11

U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL THIRTY (30) DAYS AFTER THE SECTION 341 MEETING TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR, DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

**OFFICIAL LOCAL FORM 3**  
**PRE-CONFIRMATION CHAPTER 13 PLAN**

Docket No.: 08-42965-jbr

DEBTORS: Lizzette Rodriguez SS#: XXX-XX-4473

I. PLAN PAYMENT AND TERM:

Debtor(s) shall pay monthly to the Trustee the sum of \$ 967 for the term of:

☐ 36 Months. 11 U.S.C. § 1325(b)(4)(A)(i);

☐ 60 Months. 11 U.S.C. § 1325(b)(4)(A)(ii);

X 60 Months. 11 U.S.C. § 1322(d)(2). Debtor avers the following cause:  
Debtor is a below median income debtor and the applicable commitment period for this Debtor is 36; however, in order to properly cure mortgage arrearages owed on the Debtor's residence and other income producing property, the Debtor requires a plan of 60 months in duration; or

☐ \_\_\_\_\_ Months. The Debtor states as reasons therefore:  
\_\_\_\_\_

II. SECURED CLAIMS:

A. Claims to be paid through the plan (including arrears):

<u>Creditor</u>	<u>Description of Claim (pre-petition arrears, purchase money, etc.)</u>	<u>Amount of Claim</u>
<u>Countrywide Home Loans</u>	<u>home mortgage arrearage</u>	<u>\$ 30,971</u>
<u>Bayview Financial</u>	<u>arrearage on income property</u>	<u>\$ 13,438</u>
<u>Bayview Financial</u>	<u>arrearage on income property</u>	<u>\$ 4,210</u>

Total of secured claims to be paid through the Plan: \$ 48,619

B. Claims to be paid directly by debtor to creditors (Not through Plan):

Creditor	Description of Claim
<u>Countrywide Home Loans</u>	<u>regular monthly mortgage payments</u>
<u>Bayview Financial</u>	<u>regular monthly mortgage payments (Unit 1 of income property)</u>
<u>Bayview Financial</u>	<u>regular monthly mortgage payments (Unit 3 of income property)</u>
<u>Merrimack Valley FCU</u>	<u>monthly auto loan payments</u>

C. Modification of Secured Claims:

Creditor	Details of Modification (Additional Details May Be Attached)	Amt. of Claim to be paid through plan
<u>N/A</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>

D. Leases:

i. The Debtor(s) intend(s) to reject the residential/personal property lease claims of ; or

ii. The Debtor(s) intend(s) to assume the residential/personal property lease claims of tenants occupying Unit 1 of the income property located at 70 Dracut St., Lawrence, MA.

iii. The arrears under the lease to be paid under the plan are .

III. PRIORITY CLAIMS:

A. Domestic Support Obligations:

Creditor	Description of Claim	Amount of Claim
<u>None</u>	<u></u>	<u>\$ 0.00</u>

B. Other:

Creditor Description of Claim Amount of Claim

<u>None</u>		\$ <u>0.00</u>
		\$
		\$
		\$

Total of Priority Claims to Be Paid Through the Plan: \$ 0.00

IV. ADMINISTRATIVE CLAIMS:

A. Attorneys Fees (to be paid through the plan): \$ 1,000

B. Miscellaneous Fees:

Creditor	Description of Claim	Amount of Claim
<u>None</u>		\$ <u>0.00</u>
		\$
		\$

C. The Chapter 13 Trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission.

V. UNSECURED CLAIMS:

The general unsecured creditors shall receive a dividend of 100% of their claims.

A. General unsecured claims \$ 2,554

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of Claim	Amount of Claim
<u>None</u>		\$ <u>0.00</u>
		\$
		\$

C. Non-Dischargeable Unsecured Claims:

Creditor	Description of Claim	Amount of Claim
<u>None</u>		\$ <u>0.00</u>

\_\_\_\_\_  
\_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

Total of Unsecured Claims (A + B + C): \$ 2,554

D. Multiply total by percentage: \$ 2,554

(Example: Total of \$38,500.00 x .22 dividend = \$8,470.00)

E. Separately classified unsecured claims (co-borrower, etc.):

Creditor	Description of Claim	Amount of Claim
<u>None</u>	_____	\$ <u>0.00</u>
_____	_____	\$ _____
_____	_____	\$ _____

Total amount of separately classified claims payable at \_\_\_\_%: \$ 0.00

VI. OTHER PROVISIONS:

A. Liquidation of assets to be used to fund plan: None

B. Miscellaneous Provisions:  
None.

VII. CALCULATION OF PLAN PAYMENT:

a) Secured claims (Section I-A Total): \$ 48,619

b) Priority claims (Section II-A & B Total): \$ 0.00

c) Administrative claims (Section III-A&B Total): \$ 1,000.00

d) Regular unsecured claims (Section IV-D Total): + \$ 2,554

e) Separately classified unsecured claims: \$ 0.00

f) Total of a + b + c + d + e above: = \$ 52,173

g) Divide (f) by .90 for total including Trustee's fee:

Cost of Plan = \$ 57,970

(This represents the total amount to be paid into the Chapter 13 Plan.)

h) Divide (g), Cost of Plan, by Term of Plan, 60 months

i) Round up to nearest dollar for Monthly Plan Payment: \$ 967

(Enter this amount on page 1)

Pursuant to 11 U.S.C. §1326(a)(1) unless the Court orders otherwise, debtor shall commence making the payments proposed by a plan within thirty (30) days after the petition is filed. Pursuant to 11 U.S.C. §1326(a)(1)(C), the debtor shall make preconfirmation adequate protection payments directly to the secured creditor.

#### VIII. LIQUIDATION ANALYSIS

##### A. Real Estate:

Address	Fair Market Value	Total Amount of Recorded Liens (Schedule D)
<u>14 Pilgrim Rd., Lawrence, MA</u>	<u>\$ 270,000</u>	<u>\$ 242,764</u>
<u>70 Dracut Rd., Unit 1, Lawrence, MA</u>	<u>\$ 100,000</u>	<u>\$ 125,906</u>
<u>70 Dracut Rd., Unit 3, Lawrence, MA</u>	<u>\$ 100,000</u>	<u>\$ 140,000</u>

Total Net Equity for Real Property: \$ 27,236

Less Total Exemptions (Schedule C): \$ 27,236

Available Chapter 7: \$ 0.00

##### B. Automobile (Describe year, make, model):

<u>2001 Dodge Ram</u>	Value \$ <u>4,000</u>	Lien \$ <u>4,657</u>	Exemption \$ <u>N/A</u>
<u>1993 Ford Probe</u>	Value \$ <u>500</u>	Lien \$ <u>0.00</u>	Exemption \$ <u>500</u>

Total Net Equity: \$ 500

Less Total Exemptions (Schedule C) \$ 500

Available Chapter 7: \$ 0.00

##### C. All other Assets: (All remaining items on schedule B) : (Itemize as necessary)                     .

checking account, clothing, jewelry, lawncare items

Total Net Value: \$ 3,500

Less Exemptions (Schedule C): \$ 3,500

Available Chapter 7: \$ 0.00

##### D. Summary of Liquidation Analysis (total amount available under Chapter 7):

Net Equity (A and B) plus Other Assets (C) less all claimed exemptions:  
\$ 0.00

E. Additional Comments regarding Liquidation Analysis:

NONE

IX. SIGNATURES

Pursuant to the Chapter 13 rules, the debtor or his or her attorney is required to serve a copy of the Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.

/s/ Paul A. Petrillo 10/24/2008  
Debtor's Attorney Date  
Attorney's Address: 202 Main St., Ste 102, Salem, NH 03079  
Tel. # (603) 894-4120  
Email Address: ppetrillo@dpfmlaw.com

I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

/s/ Lizzette Rodriguez 10/24/2008  
Lizzette Rodriguez, Debtor Date

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION

\_\_\_\_\_  
IN RE:

LIZZETTE RODRIGUEZ,  
Debtor.  
\_\_\_\_\_

)  
) Chapter 13  
)  
)  
) Case No. 08-42965-JBR  
)

**CERTIFICATE OF SERVICE ON DEBTOR'S CHAPTER 13 PLAN**

I, Paul A. Petrillo, Esq., counsel to the Debtor in the above entitled matter, do hereby certify that I have, this day, served a copy of the foregoing Chapter 13 Plan to the following:

**VIA ELECTRONIC DELIVERY**

US Trustee's Office

Denise Pappalardo, Esq.  
Chapter 13 Trustee

**VIA FIRST CLASS MAIL**

Bayview Financial Loan  
4425 Ponce De Leon Blvd  
Coral Gables, FL 33146

Collection  
Pob 2586  
Framingham, MA 01701

Collection  
Pob 2407  
Woburn, MA 01888

Continental Credit Ctr  
22 N Milpas St Ste C  
Santa Barbara, CA 93103

Countrywide Home Loans  
450 American St  
Simi Valley, CA 93065



Countrywide Home Loans  
ATTENTION: BANKRUPTCY SV-314B  
Po Box 5170  
Simi Valley, CA 93062

Credit Management Lp  
4200 International Pkwy  
Carrollton, TX 75007

Credit Management Lp  
4200 International Pwy  
Carrollton, TX 75007

Harold Kahn  
Trustee Of Harold D. Kahn Family Trust  
102 Charleont St  
Newton, MA 02461

Hsbc Bank  
Po Box 5253  
Carol Stream, IL 60197

Hsbc Bank  
ATTN: BANKRUPTCY  
Po Box 5213  
Carol Stream, IL 60197

Mercantile Adjmnt Bur  
6390 Main St S-160  
Williamville, NY 14221

Merrimack Valley Fcu  
1475 Osgood St  
North Andover, MA 01845

Nco Fin/09  
507 Prudential Rd  
Horsham, PA 19044

10/24/2008  
Date

/s/ Paul A. Petrillo  
Paul A. Petrillo, Esq.

